Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 1-7, 10, 14-18 and 22-33 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. Claims 8, 9, 11 and 13 stand rejected under 35 U.S.C. § 102(a) based on U.S. Patent Application Publication no. 2003/0004882 of Holler et al. ("Holler").

Summary of Amendments

In this amendment, claims 1, 10, 14, 15, 18, 22, 25, 27-29, 31 and 33 have been amended; no claims have been added or canceled. No new matter has been added.

Request for Telephone Interview

Applicants respectfully request that the Examiner contact the undersigned at (408) 720-8300 to schedule a telephone interview, in the event the Examiner does not find the present application to be allowable after considering this response.

Section 112(1) Rejections

Claims 1-7, 10, 14-18 and 22-33stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. The Office states, "The examiner interprets 'a non-streamable

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installation format' as a format that, *in any case, cannot* be converted into a streaming format." Final Office Action, p. 3 (emphasis added). During the telephone interview between Applicants' representative (the undersigned) and the Examiner on 6/19/2007, the Examiner clarified that statement, indicating that he interprets the limitation "a non-streamable installation format" as meaning that the installation program is *incapable* of even being *converted* into a streamable format.

Applicants believe that that the Examiner's above interpretation of Applicants' claim language defies both logic and common sense and contradicts the teachings of Applicants' specification. Nonetheless, as agreed during the interview, Applicant has amended the independent claims to clarify what is meant. The Examiner agreed that the above amendments to the independent claims would overcome the rejections under 5 U.S.C. § 112, first paragraph. Therefore, withdrawal of those rejections is respectfully requested.

Section 102 Rejection

The only independent claim that remains rejected based on prior art is claim 8. Claim 8 recites:

> 8. (Original) A method comprising:
> downloading, to a client over a network, **only portions of** an **installation program**, the installation program for use to install a software application on a computer system, wherein the software application resides on a server;
> **using only said downloaded portions of the installation program on the client to configure the client to execute the software application**, including identifying portions of the software application that are to be download to the client;
> downloading only said portions of the software application from the server to the client; and

executing the software application on the client using only said portions of the software application downloaded to the client. (Emphasis added.)

Holler fails to disclose or even suggest a method such as recited in claim 8, particularly a method which includes downloading *only portions of* (i.e., not all of) an *installation* program to a client, and then using *only the downloaded portions* of the installation program on the client to configure the client to execute the (target) software application.

The Office cites Holler's disclosure of an "AppinstallBlock", citing in particular paragraphs [0015], [0080], [0086], [0157] [0428], [0429] and [431] (Final Office Action, pp. 5 & 8). The premise of this rejection is the Examiner's statement, "This shows that AppinstallBlock contains *portion of* an installation program and the portion is used to configure a client" (Final Office Action, p. 8)(emphasis added).

The Examiner is mistaken, however, because the AppinstallBlock in Holler does *not* contain *only a portion* of an installation program. Rather, Holler discloses that the AppinstallBlock contains the essential code and data needed to configure the client machine to run the application (para. [0428]). Holler discloses the contents of the AppinstallBlock as follows (para. [0568]-[0574]):

- Streamed application name and identification number;

- Registry spoof set;

- File spoof set;

- Small number of application pages—initial cache contents; and

- Application profile data.

Nowhere is there any suggestion in Holler that these elements are portions of some larger installation program. Thus, assuming *arguendo* the AppinstallBlock can be considered to be or include "installation" software/program, it is a *complete* installation program, not just *portions* thereof.

If the Examiner intends to maintain the (incorrect) position that the AppinstallBlock contains *only a portion of* an installation program, the Examiner should clearly state on the record (in the next Office Action) what the Examiner considers to be the *complete* installation program, of which the AppinstallBlock contains only a portion.

Note that the concept of downloading and using *only portions* of an installation program to configure the client (per claim 8) is directly related to Applicants' invention of making not only a software application streamable, but also making the actual *installation software* for that application streamable (per claim 1, etc.). Holler does not disclose or suggest making *installation software* streamable.

Note also that Holler discloses the process of installing a streamable application at para. [0580]-[0582] but does not disclose/suggest that the AppinstallBlock itself is streamable. Hence, even assuming *arguendo* the AppinstallBlock is considered to be a *complete* installation program, there is no disclosure/suggestion in Holler that *part* of the AppinstallBlock can execute on the client before the rest of the AppinstallBlock has been downloaded to the client.

Thus, Applicants respectfully maintain that Holler fails to disclose or even suggest, per claim 8, downloading *only portions of* (i.e., not all of) an *installation* program to a client, and then using *only the downloaded portions* of the installation program on the client to configure the client to execute the (target) software application.

Therefore, claim 8 and all claims which depend on it are believed to be patentable over the cited art.

Other Claims

The Examiner is reminded of dependent claims 25, 27, 29 and 31 added in the previous amendment, which recite that the installation program has a *standardized* installation format, and claims 26, 28, 30, 32 and 33, which recite that the standardized installation format (which is converted to streamable format) is the *MSI* format. Holler does not disclose or suggest these features. Therefore, these claims are believed to be additionally patentable over the cited art.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.
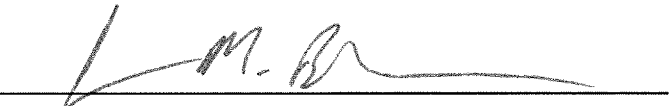
Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: __August 15, 2007__

Jordan M. Becker
Reg. No. 39,602

Customer no. 08791
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300

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